

SENATE, No. 464

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator NICHOLAS J. SACCO

District 32 (Bergen and Hudson)

SYNOPSIS

“Drew’s Law”; allows counties and municipalities to establish, or request DOT to establish, 15 miles per hour speed limit in or near certain parks and to set increased penalty for violating speed limit.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning speed limits in or near certain public parks,
2 designated as Drew's Law, and amending R.S.39:4-98 and
3 R.S.39:4-104.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. R.S.39:4-98 is amended to read as follows:

9 39:4-98. Rates of speed. Subject to the provisions of R.S.39:4-
10 96 and R.S.39:4-97 and except in those instances where a lower
11 speed is specified in this chapter, it shall be prima facie lawful for
12 the driver of a vehicle to drive it at a speed not exceeding the
13 following:

14 a. Twenty-five miles per hour, when passing through a school
15 zone during recess, when the presence of children is clearly visible
16 from the roadway, or while children are going to or leaving school,
17 during opening or closing hours;

18 b. (1) Twenty-five miles per hour in any business or
19 residential district;

20 (2) Thirty-five miles per hour in any suburban business or
21 residential district;

22 (3) Fifteen miles per hour pursuant to the provisions of section 2
23 of P.L. , c. (C.) (pending before the Legislature as this
24 bill);

25 c. Fifty miles per hour in all other locations, except as
26 otherwise provided in the "Sixty-Five MPH Speed Limit
27 Implementation Act," pursuant to **[section 2 of]**
28 P.L.1997, c.415 (C.39:4-98.3 et al.).

29 Whenever it shall be determined upon the basis of an engineering
30 and traffic investigation that any speed hereinbefore set forth is
31 greater or less than is reasonable or safe under the conditions found
32 to exist at any intersection or other place or upon any part of a
33 highway, the Commissioner of Transportation, with reference to
34 State highways, may by regulation and municipal or county
35 authorities, with reference to highways under their jurisdiction, may
36 by ordinance, in the case of municipal authorities, or by ordinance
37 or resolution, in the case of county authorities, subject to the
38 approval of the Commissioner of Transportation, except as
39 otherwise provided in R.S.39:4-8, designate a reasonable and safe
40 speed limit thereat which, subject to the provisions of R.S.39:4-96
41 and R.S.39:4-97, shall be prima facie lawful at all times or at such
42 times as may be determined, when appropriate signs giving notice
43 thereof are erected at such intersection, or other place or part of the
44 highway. Appropriate signs giving notice of the speed limits
45 authorized under the provisions of paragraph (1) of subsection b.
46 and subsection c. of this section may be erected if the commissioner
47 or the municipal or county authorities, as the case may be, so

EXPLANATION – Matter enclosed in bold-faced brackets **[thus] in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 determine they are necessary. Appropriate signs giving notice of
2 the speed limits authorized under the provisions of subsection a.
3 and paragraph (2) of subsection b. of this section shall be erected by
4 the commissioner or the municipal or county authorities, as
5 appropriate.

6 When designating reasonable and safe speed limits for a street
7 under its jurisdiction pursuant to this subsection, as part of an
8 engineering and traffic investigation, a municipality or county shall
9 consider, but not be limited to, the following criteria: residential
10 density; the presence, or lack, of sidewalks; the prevalence of entry
11 and exit ways for business and commercial establishments; whether
12 school children walk adjacent to the street on their way to and from
13 school; and the proximity of recreational or park areas, schools,
14 community residences, family day care homes, child care centers,
15 assisted living facilities or senior communities. Nothing in this
16 paragraph shall substitute for traffic count, accident, and speed
17 sampling data as appropriate.

18 The driver of every vehicle shall, consistent with the
19 requirements of this section, drive at an appropriate reduced speed
20 when approaching and crossing an intersection or railway grade
21 crossing, when approaching and going around a curve, when
22 approaching a hill crest, when traveling upon any narrow or
23 winding roadway, and when special hazard exists with respect to
24 pedestrians or other traffic or by reason of weather or highway
25 conditions.

26 The Commissioner of Transportation shall cause the erection and
27 maintenance of signs at such points of entrance to the State as are
28 deemed advisable, setting forth the lawful rates of speed, the
29 wording of which shall be within his discretion.

30 (cf: P.L.2009, c.258, s.1)

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32 2. (New section) a. Notwithstanding the provisions of any
33 other law to the contrary, a county or municipality may establish,
34 by resolution or ordinance as appropriate, a speed limit of 15 miles
35 per hour:

36 (1) on county or municipal roads located in a park owned or
37 controlled by the county or municipality during hours of operation,
38 when children are clearly visible from the roadway, or while
39 children are going to or leaving a park event; or

40 (2) on county or municipal roads adjacent to a park owned or
41 controlled by the State or the county or municipality during hours
42 of operation, when children are clearly visible from the roadway, or
43 while children are going to or leaving a park event.

44 b. Notwithstanding the provisions of any other law to the
45 contrary, the Department of Transportation may establish, by
46 written order of the commissioner, a speed limit of 15 miles per
47 hour on State roads which are located in or directly adjacent to a
48 park owned or controlled by the State or a county or municipality

1 during hours of operation, when children are clearly visible from
2 the roadway, or while children are going to or leaving a park event
3 if the county or municipality in which the park is located adopts a
4 resolution or ordinance, as appropriate, requesting that the
5 department adopt the 15 miles per hour speed limit.

6 c. A State, county, or municipal road with a 15 miles per hour
7 speed limit established pursuant to subsection a. or subsection b. of
8 this section shall include proper signage to notify operators of
9 motor vehicles of the reduced speed limit.

10 d. As used in this section:

11 "Park" means a park, playground, picnic area, square, monument,
12 beach, waterfront, recreation area, conservation area, or similar
13 place or property.

14 "Playground" means an improved area designed, equipped, and
15 set aside for play of six or more children which is not intended for
16 use as an athletic playing field or athletic court, and shall include
17 any play equipment, surfacing, fencing, signs, internal pathways,
18 internal land forms, vegetation, and related structures.

19
20 3. R.S.39:4-104 is amended to read as follows:

21 39:4-104. **[A]** a. Except as provided in subsection b. of
22 this section, a person violating a section of this article shall, for
23 each violation, be subject to a fine of not less than **[\$50.00]** \$50 or
24 more than **[\$200.00]** \$200 , or imprisonment for a period not
25 exceeding 15 days, or both, except as herein otherwise provided.

26 b. A person violating paragraph (3) of subsection b. of
27 R.S.39:4-98 shall be subject to a fine of not less than \$100 or more
28 than \$400, as determined by the county or municipality by
29 resolution or ordinance.

30 (cf: P.L.1982, c.45, s.4)

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32 4. This act shall take effect immediately.

33 34 35 STATEMENT

36
37 This bill allows a county or municipality to establish a speed
38 limit of 15 miles per hour on county or municipal roads in or
39 adjacent to a park owned or controlled by the county or
40 municipality, or adjacent to a park owned or controlled by the State,
41 during hours of operation, when children are clearly visible from
42 the roadway, or while children are going to or leaving a park event.
43 The bill allows the Commissioner of Transportation to establish a
44 speed limit of 15 miles per hour on State roads which are located in
45 or directly adjacent to a park owned or controlled by the State or a
46 county or municipality during hours of operation, when children are
47 clearly visible from the roadway, or while children are going to or
48 leaving a park event upon request from the county or municipality

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1 in which the park is located. Any road with a 15 miles per hour
2 speed limit established pursuant to the bill is required to provide
3 proper signage to notify operators of motor vehicles of the reduced
4 speed limit. The term "park" is defined to mean a park, playground,
5 picnic area, square, monument, beach, waterfront, recreation area,
6 conservation area, or similar place or property.

7 Under current law, a person who exceeds the speed limit may be
8 fined not less than \$50 or more than \$200. This bill allows a county
9 or municipality to establish a fine not less than \$100 or more than
10 \$400 for violating the 15 miles per hour speed restriction on roads
11 in parks or adjacent to parks during hours of operation, when
12 children are clearly visible from the roadway, or while children are
13 going to or leaving a park event.

14 This bill is named "Drew's Law" in honor of Drew Keough. On
15 April 22, 2014, 11 year-old Drew was tragically struck and killed
16 by a motor vehicle while crossing the street near Keansburg's
17 Forest Park after playing basketball in the park. His untimely death
18 was a shock to the community and hundreds of people gathered to
19 grieve his death by candlelight vigil the following day. In light of
20 this tragedy, the bill endeavors to prevent fatal motor vehicle
21 accidents in or near parks by allowing counties and municipalities
22 to reduce the speed limit to 15 miles per hour, at certain times, on
23 streets passing through and adjacent to certain parks.